

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6956 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHARUCH JILLA PANCHAYAT JR.CLERKS EMPLOYEES' ASSN.

Versus

STATE OF GUJARAT

Appearance:

MR KK SETIGAR for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/97

ORAL JUDGEMENT

Heard learned counsel for the parties.

2. On 13th August 1986, Rule was issued in this case and further it was ordered that this petition may be heard with Special Civil Applications No.3666 of 1983 and 2162 of 1983. The Special Civil Application No.2162 of 1983 has been dismissed by this court on July 19/20, 1993. The other petition, namely Special Civil Application No.3666 of 1983 has also been decided on the

same day and therein this Court has held that the Circular/ letter dated 18th July 1983 is bad in law and the same has been quashed and set aside and the respondents therein were directed to fix the seniority of the Computers in an integrated cadre of Clerical Group III on the basis of principle of continuous officiation and to grant other consequential benefits to them flowing from such seniority.

3. In that petition, individual persons came with their grievances in the matter of seniority. In the present case, the Special Civil Application has been filed by the employees' association and challenge has been made to the Circular dated 13.12.83 under which options have been called from the clerical cadres for general clerical or accounts cadre. The learned counsel for the petitioner contended that when the Computers were integrated in the clerical cadre, then the option should have been taken from them either for the general cadre or for accounts cadre which has not been done in the case of Computers.

4. However, this grievance on behalf of the Union is difficult to understand and accepted. It is the individual decision to be taken whether to go for general clerical cadre or accounts cadre, but for this the petitioner-Union cannot make any grievance. Such grievance is understandable and be gone into on merits in case at the appropriate time some individual persons would have come before this Court. Even the learned counsel for petitioner is unable to answer on being put a question by the Court whether any of the grievances as made in the Special Civil Application of any of the Computers now survive. That is the another fact which goes to show that this petition is nothing but only a petition filed by the Union of the employees to keep on its existence or survival. In the Special Civil Application instances have not been given of the persons who are really aggrieved of this option part in the category of Computers. For whose benefits this petition has been filed has also not been disclosed. Moreover, this petition is filed by Bharuch Jilla Panchayat Junior Clerks (Accounts Cadre) Employees' Association and not by some association of Computers. The purpose of filing of this petition by this Union of the employees of accounts cadre seems to be to get more number of members in case ultimately this Court decides that from Computers option has to be called for. Such purpose cannot be allowed to be fulfilled by taking this Court to be of platform for the same. In the service matters, only individuals who have some grievance have to come before this Court and

then only this Court may be in a position to appreciate the real grievance but the petition on behalf of Union with some other purpose than the real purpose or motives cannot be entertained. None of the legal or fundamental rights of the petitioner are being infringed which can be enforced by this Court. This Special Civil Application is wholly misconceived and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. The petitioner is directed to pay Rs.500/- to respondent No.1 and Rs.500/to respondent No.3 by way of costs of this petition.

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(sunil)